



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8  
999 18<sup>TH</sup> STREET - SUITE 300  
DENVER, CO 80202-2466  
<http://www.epa.gov/region08>

DOCKET NO.: CWA-08-2003-0019

IN THE MATTER OF:

WATERTOWN COOPERATIVE ELEVATOR )  
ASSOCIATION )

FINAL ORDER

Respondent )

Pursuant to 40 C.F.R. § 22.18, of EPA's Consolidated Rules of Practice, the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order. The Respondents are hereby ORDERED to comply with all of the terms of the Consent Agreement, effective immediately upon receipt by Respondents of this Consent Agreement and Final Order.

December 10, 2002

DATE

SIGNED

Alfred C. Smith  
Regional Judicial Officer



**DOCKET NO.: CWA-08-2003-0019**

Respondent admits that EPA has jurisdiction in this proceeding.

Respondent waives its right to a hearing before any civil tribunal, to contest any issue of law or fact set forth in this agreement.

This agreement, upon incorporation into a final order, applies to and is binding upon EPA and upon Respondent and Respondent's heirs, successors and assigns. Any change in ownership or corporate status of Respondent, including but not limited to any transfer of assets or real or personal property, shall not alter Respondent's responsibilities under this agreement.

This Agreement contains all terms of the settlement agreed to by the parties.

Respondent consents and agrees to the assessment of a civil penalty of \$1,700.00, which shall be paid by sending, via certified mail, a cashier's or certified check for that amount, payable to "Oil Spill Liability Trust Fund" along with a signed copy of this agreement, to:

Jane Nakad  
Technical Enforcement Program (8ENF-T)  
USEPA Region 8  
999 18th Street, Suite 300  
Denver, CO 80202-2466

Respondent further agrees and consents that if Respondent fails to pay the penalty amount as required by this agreement once incorporated into the final order, or fails to make the corrective measures to obtain compliance as represented, this agreement is null and void, and EPA may pursue any applicable enforcement options.

The undersigned representative of Respondent certifies that he/she is fully authorized to enter into the terms and conditions for this agreement and to bind Respondent to the terms and conditions of this agreement.

The parties agree to submit this Consent Agreement to the Regional Judicial Officer, with a request that it be incorporated into a final consent order.

Each party shall bear its own costs and attorneys fees in connection with this matter.

This Consent Agreement, upon incorporation into a final consent order by the Regional Judicial Officer and full satisfaction by the parties, shall be a complete and full civil settlement of the specific violations described in this agreement.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION VIII,  
Office of Enforcement Compliance and Environmental Justice, Complainant.**

By : **SIGNED**  
Connally Mears, Director  
Technical Enforcement Program

**Watertown Cooperative Elevator Association, Respondent.**

By: **SIGNED** Name: **Arnold Suhr**

Title: **General Manager**

## List of SPCC Violations

SPCC Plan [40 C.F.R. § 112.3]:

Failure to prepare a facility SPCC Plan in accordance with 40 C.F.R. § 112.7.

Failure to implement a facility SPCC Plan in accordance with 40 C.F.R. § 112.7.

Some of the specific violations at the Watertown Cooperative Elevator Association are:

Oil storage tanks are not subjected to periodic integrity testing as required by 40 C.F.R. § 112.3(e)(2)(vi).

Inadequate inspections of above ground valves and pipelines in violation of 40 C.F.R. § 112.7(e)(3)(iv).

Department of Transportation procedures for loading/unloading vehicles are not followed in violation of 40 C.F.R. § 112.7(e)(4)(i). “No Smoking” signs were not posted in the loading or unloading areas for the red diesel storage tank.

No warning/barrier systems to prevent premature vehicular departure in violation of 40 C.F.R. § 112.7(e)(4)(iii).

Lacks written procedures for inspections and for maintaining inspection records for three years in violation of 40 C.F.R. § 112.7(e)(8).

Facility is not fenced in violation of 40 C.F.R. § 112.7(e)(9)(i).

Personnel not properly instructed in spill prevention procedures in violation of 40 C.F.R. § 112.7(e)(10)(i).

Spill prevention briefings are not conducted for operating personnel in violation of 40 C.F.R. § 112.7(e)(10)(iii)

## **CERTIFICATE OF SERVICE**

The undersigned certifies that the original of the attached **EXPEDITED CONSENT AGREEMENT/FINAL ORDER** in the matter of **WATERTOWN COOPERATIVE ELEVATOR ASSOCIATION, DOCKET NO.;** CWA-08-2003-0019 was filed with the Regional Hearing Clerk on December 10, 2002.

Further, the undersigned certifies that a true and correct copy of the document was delivered to Michael Risner Enforcement Attorney, U.S. EPA - Region VIII, 999 18th Street - Suite 300, CO 80202-2466. True and correct copies of the aforementioned document was placed in the United States mail certified/return receipt to:

Arnold Suhr  
General Manager  
Watertown Cooperative Elevator Association  
810 Burlington Northern Drive  
Watertown, SD 57201

and

Commander  
Finance Center (OGR)  
U.S. Coast Guard  
1430 A Kristina Way  
Chesapeake, VA 23326

December 10, 2002

**SIGNED**  
\_\_\_\_\_  
Tina Artemis  
Regional Hearing Clerk

**THIS DOCUMENT WAS FILED IN THE RHC'S OFFICE ON DECEMBER 10, 2002.**